FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

FIRST APPEAL NO. 60 OF 2007

Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions and Registrar's orders	Court's or Judge's orders

CORAM : Smt. V. A. Naik, J.
DATE : 29th March, 2007.

Heard Shri Agrawal, learned Assistant Government Pleader for the appellant and Shri Bhattad, learned counsel for the respondent.

By this First Appeal, the appellant State challenges the order passed by the Joint Civil Judge (Senior Division), Chandrapur on 20th January, 2001 enhancing the compensation towards the acquisition of the suit land belonging to the respondent.

The respondent was the owner of 0.45 Hectares of land at Village Datala. Land admeasuring 0.12 Hectares was acquired by the Government for the purpose of Gaothan at Chandrapur M.I.D.C. Road. Section 4 notification was issued on 2nd September, 1993. The Land Acquisition Officer granted compensation @ Rs. 27.50 per square meter though the respondent had claimed compensation @ Rs.110/- per square meter. The respondent filed a reference application before the Collector, Chandrapur which was referred to the Joint Civil Judge (Senior Division), Chandrapur. The matter was

registered as Land Acquisition Case No. 34 of 1993.

The appellant State denied the claim of the respondent by filing written statement at Exh.16. According to the appellant, the Land Acquisition Officer had granted just and proper compensation to the respondent and the compensation @ Rs.110/- per square meter could not have been claimed by the respondent. The reference Court on a consideration of certain awards in respect of adjoining lands passed in Land Acquisition proceedings held that the respondent was also entitled to seek compensation @ Rs.77/- per Square Meter as was granted to the claimants in the other awards. The Land Acquisition Officer, in the instant case, had granted compensation @ Rs.27.50/- per square meter on the ground that the land of the respondent was not approachable land whereas the evidence tendered on behalf of the respondent clearly showed that it was an approachable one. The ready reckoner showing the market value of the land at the relevant time was also produced before the reference Court and it showed that the market value of the land was Rs.110/- per square meter at the relevant time. After considering the ready reckoner as well as the awards passed by the Land Acquisition Officer in respect of other lands which were adjoining to the land in question and comparable lands, the reference Court granted compensation @ Rs.77/- per square meter.

The approach of the reference Court in determining the compensation for the acquired land is just and proper and no fault can be found with the judgment passed by the reference Court.

The First Appeal, therefore, fails and is dismissed with no order as to costs.

JUDGE

APTE